

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

**SECURITIES AND EXCHANGE
COMMISSION,**

Plaintiff,

v.

ERNEST J. ROMER, III,

Defendant.

2:18-cv-12927

Hon. Terrence G. Berg

**ORDER DIRECTING
DEFENDANT TO
COMMUNICATE WHETHER
HE WISHES TO ATTEND
HEARING ON MOTION FOR
DEFAULT JUDGMENT**

This is a securities fraud action filed by the United States Securities and Exchange Commission (“SEC”) against Defendant Ernest J. Romer, III. Romer was charged with embezzlement and convicted in state court. He is currently serving an indeterminate sentence of 85 to 240 months. ECF 15 PageID.49. Defendant was served with the Complaint on September 26, 2018 but never filed any Answer. No attorney entered an appearance on behalf of the Defendant, and Defendant has made no effort to defend this case *pro se*.

The SEC accordingly secured an entry of default from the Clerk of Court, and on March 5, 2019 moved for default judgment under Rule 55 of the Federal Rules of Civil Procedure in the amount of \$2,755,737, and

prejudgment interest thereon in the amount of \$18,724. ECF No. 15
PageID.56.

Given the unusual circumstances of this case, in order to ensure Defendant's opportunity to be heard on this matter, the Court will hold an on-the-record hearing on the SEC's motion for entry of default judgment on July 17, 2019 at 3:00 p.m.. If Defendant wishes to attend the hearing, the Court will enter the necessary order to facilitate his transportation while in custody to the hearing. Accordingly, Defendant is hereby **ORDERED** to communicate with the Court by sending a letter post-marked within 30 days of the date of this Order expressing whether he wishes to attend the hearing. Should Defendant express no interest in attending the hearing, or fail to respond as directed, the hearing will proceed as scheduled by the Court (without Defendant's presence), and default judgment may be entered against him in the amount of \$2,755,737, and prejudgment interest thereon in the amount of \$18,724.

SO ORDERED.

Dated: May 9, 2019

s/Terrence G. Berg
TERRENCE G. BERG
UNITED STATES DISTRICT JUDGE